

AO 91 (Rev. 02/09) Criminal Complaint

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UNITED STATES DISTRICT COURT

for the
Southern District of TexasUnited States District Court
Southern District of Texas
FILED

DEC 12 2014

David J. Bradley, Clerk of Court

United States of America
v.

Jose Luis ZAVALA

Defendant

Case No. B-14-1119-MJ

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of November 19, 2014 in the county of Cameron in the Southern District of
Texas, the defendant violated 21 U.S.C. § Section 841 and 846 and 18 USC 201(b)(2)(C),

an offense described as follows:

Title 21 United States Code 841 & 846- Knowingly & Intentionally Conspired to Distribute approximately 1,362 kilograms of Marijuana, a Schedule I controlled substance, with persons known & unknown and

Title 18 United States Code 201(b)(2)(C) - Being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for: (C) being induced to do or omit to do any act in violation of the official duty of such official or person.

This criminal complaint is based on these facts:

See Attachment A

☐ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date: December 12, 2014City and state: Brownsville, Texas

Complainant's signature

Eduardo Gallegos, Special Agent

Printed name and title

Judge's signature

Ignacio Torteya III, U.S. Magistrate Judge

Printed name and title

Attachment A

On November 19, 2014, Homeland Security Investigations, Office of the Assistant Special Agent in Charge, Brownsville, TX (HSI Brownsville), Special Agents (SAs) assigned to the White Sands High Intensity Drug Trafficking Area Task Force (White Sands HIDTA) responded to the Gateway Port of Entry, Brownsville, TX (Gateway POE) in reference to a seizure of Marijuana which was being smuggled in a white 2004 Ford Cargo Van, displaying Mexican License Plates (██████████) (██████████). The total approximate weight of the marijuana bundles was 1,362 kilograms.

Agents were notified by the primary inspection officer, Customs and Border Protection Officer (CBPO) Jose Luis ZAVALA, that the van displaying ██████████ approached his/ZAVALA's assigned inspection booth, identified as Lane 3. CBPO ZAVALA stated to agents, the driver of the aforementioned van presented a U.S. passport. The vehicle was randomly selected for an intensive inspection, a decision not made or controlled by CBPO ZAVALA. ZAVALA stated to agents the driver of the van fled back to Mexico on foot after CBPO ZAVALA informed the driver of the inspection. The U.S. passport card presented by the driver of the van to CBPO ZAVALA was Passport Card ██████████. CBPO ZAVALA stated to agents he was able to look at the driver and believed the driver of the van was not the owner of the Passport Card. The marijuana was not hidden in a compartment or disguised to appear as legitimate cargo. CBPO ZAVALA provided agents with his personal cell phone number ██████████. The Passport Card presented to CBPO ZAVALA was seized and turned over to agents.

On November 22, 2014, agents assigned to White Sands HIDTA were notified a pedestrian linked to the 1,362 kilogram smuggling attempt was at the Brownsville & Matamoros Port of Entry (B&M POE) attempting to make entry. Agents responded to B&M POE and interviewed this person, now referred to as confidential source (CS). CS stated to agents he/she provided their Passport Card to a drug trafficking organization (DTO) operating from Mexico. CS stated his/her Passport card was to be used by drivers of marijuana load vehicles to gain entry into the United States. CS stated he/she was paid \$360.00 by the DTO for multiple uses of the passport card.

CS stated to agents the DTO received assistance from a U.S. immigration officer working at a U.S. POE. CS stated he/she met this immigration officer in Mexico. CS stated the immigration officer went by the name "PEPE". CS was able to provide agents a physical description of "PEPE" and "PEPE's vehicle which was described as a white pickup truck with a sticker on the rear window which CS described and said was associated with a Mexican soccer team. CS produced a phone number for "PEPE" identified as ██████████, a number stored on an iPod that CS had in his/her possession. CS was able to identify "PEPE" from a photo lineup produced by agents. CS identified a photograph of CBPO ZAVALA as the person he knew as "PEPE". CS identified a photograph of CBPO ZAVALA'S vehicle as the vehicle driven by "PEPE". This affiant has inspected the rear window of CBPO ZAVALA's personal vehicle and observed the sticker described by CS. CS told agents that he/she sent coded text messages to "PEPE" utilizing his iPod. Agents have read the text messages on CS's iPod that were sent to telephone number 9 ██████████. CS stated to agents the text messages were sent under the direction of others involved in this DTO. The following messages were sent;

On November 22, 2014: PEPE I was told by my uncle that the thing was lost
Where do I go, or what do I say when I cross?

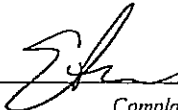
On November 16, 2014: Cousin, I need for you to come today and please reply to this number if you are coming
I have some good news for you

On November 15, 2014: It is urgent that you come

On November 13, 2014: My uncle says if you can come because he already has the food at the house

B-14-1119-M

CS stated to agents the text messages instructed CBPO ZAVALA to go to Mexico for his payment for successfully smuggled loads of what CS believed was Marijuana.

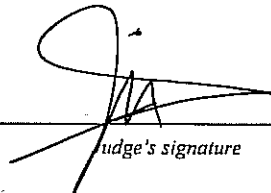

Complainant's Signature

Eduardo Gallegos, Special Agent
Printed name and title

Sworn to before me and signed in my presence.

December 12, 2014
Date

Brownsville, Texas
City and State


Judge's signature

Ignacio Torteya III, U.S. Magistrate Judge
Printed name and title